



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

June 23, 2022

BY ECF

The Honorable Ronnie Abrams
United States District Court
500 Pearl Street
New York, NY, 10007

Re: SEC v. Ronald Bauer et al., 22-cv-3089 (RA)

Dear Judge Abrams:

An initial status conference in this case is scheduled for Friday July 8, 2022. For at least two reasons, the Securities and Exchange Commission (“SEC”) writes to respectfully request an adjournment of that initial conference, and the corresponding joint letter required by the Court’s April 25, 2022 Order and Notice of Initial Conference (Dkt. No. 26), for sixty (60) days.

First, the SEC understands that the U.S. Attorney for the Southern District of New York (the “Government”) plans to intervene in this case and move to stay this case until the parallel criminal matter of United States v. Ronald Bauer et al., 22 Cr. 155 (S.D.N.Y.) is completed. In the criminal matter, the Government has indicted four of the eight defendants in this civil case (namely, defendants Bauer, Auringer, Mihyalov and Ferris).

Second, all eight defendants in this case typically reside outside the United States. As a result, as set forth in the SEC’s June 14 Affirmation of Service (Dkt. No. 32), the SEC is still in the process of completing service of the summons and complaint on four of the defendants (defendants Kambeitz, Auringer, Mihyalov, Ferris). Also, while the remaining four defendants have provided waivers of service, only two of them (defendants Sidoo and Bauer) have waived through counsel who are currently willing to appear of record. See Dkt. Nos. 27-30. Related, the SEC has to date been unable to identify an attorney representing defendant Kambeitz, to whom the SEC has also been unable to deliver a copy of the Order and Notice of Initial Conference.

Given the need for service as to still half of the defendants, as well as the Government’s anticipated motion to stay, the SEC believes a two-month adjournment of the initial conference and joint letter is appropriate and promotes judicial efficiency. The SEC has conferred with attorneys for Messrs. Sidoo and Bauer (the only attorneys whose names have appeared in this case), and each of them consent to this request for their respective client.

David A. Nasse
Trial Counsel

Application granted.

The initial conference is hereby adjourned to September 9, 2022 at 11:00 a.m. Unless the parties request otherwise, the Court will hold this conference by telephone. The parties shall use the following dial-in information to call in to the conference: Call-in Number: (888) 363-4749; Access Code: 1015508. This conference line is open to the public.

The parties' joint letter and proposed case management plan shall be filed on or before September 2, 2022.

SO ORDERED.

Hon. Ronnie Abrams
06/24/2022